

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MANJIT GORAYA,  
Plaintiff,

v.

HUGO F. MARTINEZ, et al.,  
Defendants.

Case No. [15-cv-04844-DMR](#)

**ORDER TRANSFERRING CASE TO  
THE EASTERN DISTRICT OF  
CALIFORNIA**

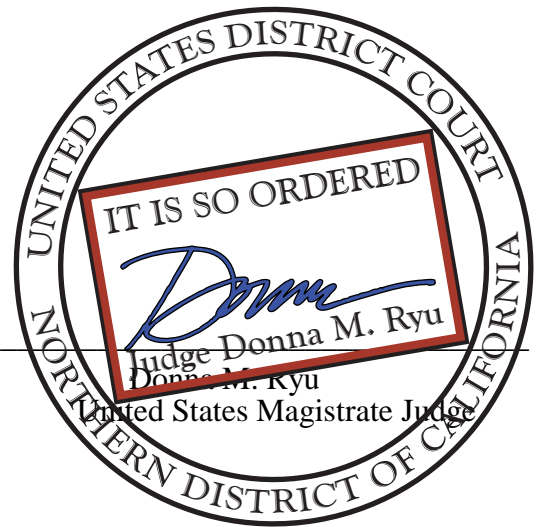
On October 21, 2015, Defendant Norma Martinez removed this case pursuant to 28 U.S.C. § 1441 from Superior Court of California, County of San Joaquin, where it was pending as a complaint against Defendants Hugo F. Martinez, Norma Martinez, and Celia Domionquez. Defendant Norma Martinez also filed an application to proceed *in forma pauperis*.

Based on the notice of removal, it appears that the proper venue for this case is the Eastern District of California, because it “embraces” San Joaquin County, where the action was pending. *See* 28 U.S.C. § 1441(a) (“any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”). According to 28 U.S.C. § 1406(a), “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” On October 28, 2015, the court issued an Order to Show Cause why the case should not be transferred to the Eastern District of California. [Docket No. 4.] Defendant Norma Martinez did not respond. Accordingly, the court hereby orders the clerk to transfer this case to the Eastern

District of California.

**IT IS SO ORDERED.**

Dated: November 13, 2015



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